

In The United States District Court
For The Middle District of Tennessee
Nashville Division

United States

Case No:

v.

3:09-00240(9)

Cecil Whitmon

Motion requesting a Speedy Trial and
a Severance by counts

Comes now the defendant Cecil Whitmon prose requesting a Speedy Trial And a Severance by counts. I have been detained in Kentucky for 29 months awaiting trial. I have tried to obtain a bond on two seperate occasions and have been denied. Also I have never waived my rights to a Speedy Trial or filed a continuance to postpone the trial. I've always been prepared and ready for trial. I am coming on this day to request that I be given a chance to go to trial within the 70 day limit that the law states. The Speedy Trial Act, 18 U.S.C. 3161 et. seq., is designed to protect a criminal defendant's constitutional right to a speedy trial. United States v. Apperson, 441 F.3d 1162, 1177 see also US v. Tsosie, 966 F.2d 1357, 1361 [*4] ("The Intent of the act is to balance protection of the accused against society's interest in efficient criminal process.") It requires that a criminal defendants trial commence within 70 days after his indictment or initial appearance, whichever is later. If a defendant is not brought

to trial within the 70 day deadline, which is subject to statutory exclusions, "dismissal of the indictment is mandatory." *US v. Abdush-Shakur*, 465 F.3d 458, 462, quoting *US v. Doran*, 882 F.2d 1511, 1517. "The Indictment shall be dismissed on motion of the defendant." *Abdush-Shakur*, 465 F.3d at 462, quoting *US v. Vaughn*, 370 F.3d 1049, 1055; see also 18 U.S.C. 3162(a)(2) ("If a defendant is not brought to trial within the time limit required by section 3161(c) [18 U.S.C. 3161(c)] as extended by section 3161(h) [18 U.S.C. 3161(h)] the information or indictment [*5] shall be dismissed on motion of the defendant;")

As far as the severance goes, I would like to be severed from any co-defendants who are new to the case and unprepared for trial. Also I respectfully move that the court sever the charges into 3 groups (1) Escape Attempt, (2) Hobbs Act Robberies/related firearms violations, (3) Drug Trafficking violations with related firearms violations. Certainly I or others could've been severed and allowed to go to trial.

Respectfully submitted,

Cecil Whitmon